

Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, August 11, 2015.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor: Jackie McKinney

Councilors: Linda Garcia  
Allan Landavazo  
Yogash Kumar  
Fran Palochak

Also present: Maryann Ustick, City Manager  
George Kozeliski, City Attorney

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of July 28, 2015.

Councilor Palochak made the motion to approve the aforementioned Minutes. Seconded by Councilor Garcia. Roll call: Councilors Palochak, Garcia, Kumar, Landavazo, and Mayor McKinney all voted yes.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

1. Resolution No. R2015-24; A Resolution Naming the Gallup Municipal Airport Terminal the "Joe Danoff Terminal" – George Kozeliski, City Attorney

Mr. Kozeliski and Mayor McKinney provided an overview of Mr. Danoff's years of service, dedication and commitment to aviation in Gallup, especially during Mr. Danoff's tenure as Airport Manager. It was highly recommended that the current airport terminal building and the contemplated future replacement airport terminal building be named the "Joe Danoff Terminal."

Following discussion, Councilor Landavazo made the motion to approve Resolution No. R2015-24. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar, and Mayor McKinney all voted yes.

2. Request for a Waiver of the Red Rock Usage Fees for the 2015 Gallup Inter-Tribal Indian Ceremonial – Mary Jean Christensen and Hilda Bowman, Gallup Inter-Tribal Indian Ceremonial

Ms. Bowman presented the request for the City to waive the fees in the amount of

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\$60,935 for the use Red Rock Park for this year's Ceremonial. The financial data for this year's Ceremonial was not available; however, Ms. Bowman, Ms. Christensen, Cynthia Poblano and Councilor Garcia, who is also a Ceremonial Board Member, provided an overview of this year's Ceremonial, including the rodeo, exhibit hall, dances and parades. Ceremonial representatives commended the work done by City crews, local volunteers, and board members.

Councilor Landavazo recommended that the Ceremonial Board request a partnership with the County that would allow for the sharing of the park's expenses with the City for hosting the Ceremonial next year. Ms. Bowman said the County allocated \$40,000 for this year's Ceremonial.

Councilor Palochak considers the Ceremonial to be a community event and it should be assumed that the City is a partner in hosting the event. She recommended eliminating the requirement for Ceremonial representatives to request a waiver of the usage fees every year. Mr. Kozeliski said about six years ago there were claims that the City does not do enough to support the Ceremonial; therefore, the Council at that time mandated discussion on the matter during a public meeting. Mr. Kozeliski said the Mayor and Councilors may change the requirement if they prefer.

Mayor McKinney said the City also provides \$50,000 in lodger's tax funding for Ceremonial.

Following discussion, Councilor Palochak made the motion to approve the request for a waiver of the Red Rock Park usage fees for the 2015 Gallup Inter-Tribal Indian Ceremonial. Seconded by Councilor Kumar. Roll call: Councilors Palochak, Kumar, Landavazo, and Mayor McKinney all voted yes. Councilor Garcia abstained. Motion carried.

3. Ordinance No. S2015-4; An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Between the New Mexico Finance Authority and the City of Gallup – Vince Tovar, Gallup Water and Sanitation Director

Mr. Tovar said the proposed Ordinance would authorize the execution and delivery of a Navajo Gallup Water Supply Project (NGWSP) Fund Loan/Grant Agreement between the New Mexico Finance Authority and the City of Gallup in the amount of \$4 million. The proceeds of the Loan/Grant Agreement will be used for constructing Reach 27.6 of the NGWSP.

Mr. Kozeliski said the Fiscal Administration Agreement with the Northwest New Mexico

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Council of Governments is part of the proposed Ordinance and related loan documents. He said there will be a minor change to paragraph 5 of the Fiscal Administration Agreement.

With the use of a map on an overhead projector, Mr. Tovar and Mr. Kozeliski provided information concerning the improvements to be made by constructing Reach 27.6 of the NGWSP.

Councilor Garcia made the motion to approve Ordinance No. S2015-4. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar, and Mayor McKinney all voted yes.

4. Capital Purchase of a Vactor Truck for the Waste Water Department – Vince Tovar, Gallup Water and Sanitation Director

Mr. Tovar said the City's existing vactor truck is constantly being used and cannot achieve the level of sewerage network cleaning and the required routine maintenance to prevent blockages, overflows and backups. With the purchase of a new vactor truck, both trucks may be properly maintained to the end of the fiscal year at which time funds could be budgeted to rehabilitate the older truck.

Councilor Palochak made the motion to approve the capital purchase of a vactor truck for the Waste Water Department. Seconded by Councilor Landavazo. Roll call: Councilor Palochak, Landavazo, Kumar, Garcia, and Mayor McKinney all voted yes.

5. Budget Adjustment for Professional and Legal Services for the G-22 Water Rights Acquisition – Vince Tovar, Gallup Water and Sanitation Director

Mr. Tovar provided a brief history on the G-22 Water Rights Application including the claims, litigation and amended applications filed over time. The funding of \$250,000, which was approved by the City Council in April 2015, was used to provide professional and technical resources for the City's efforts through the end of the fiscal year. Critical hearings on the matter before the State Engineer have been scheduled for November 2015; however, several opponents in the case are requesting to delay the trial by 4 to 13 months. The City is opposed to the requests to delay the hearings and is attempting to maintain the November schedule in the administrative process. Mr. Tovar requested approval of the proposed budget adjustment in the amount of \$250,000 to fund the City's strategy in the administrative process.

Mr. Kozeliski provided an overview of the City's attempts to settle the matter with the protestants.

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Following discussion, Councilor Landavazo made the motion to approve the budget adjustment for professional and legal services for the G-22 Water Rights Acquisition. Seconded by Councilor Kumar. Roll call: Councilors Landavazo, Kumar, Garcia, Palochak and Mayor McKinney all voted yes.

6. Donation of Property to the State of New Mexico Along Historic Highway 66 (NM 118) – George Kozeliski, City Attorney

Mr. Kozeliski said the City has been trying to donate four parcels of property along Highway 66 to the New Mexico Department of Transportation (NMDOT) for approximately 18 months. The four parcels contain a total of 1,248 square feet of land in which most of the parcels are already in use on Highway 66. Mr. Kozeliski recommended approval of the donation contracts and the quit claim deeds to the NMDOT in order to move forward with the Pedestrian Safety Project on Highway 66.

Councilor Kumar made the motion to approve the donation of property to the State of New Mexico along Historic Highway 66 (NM 118). Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak, and Mayor McKinney all voted yes.

7. Resolution No. R2015-20; Condemnation of Certain Real Property Located at 705 West Aztec Avenue – C.B. Strain, Planning Director

Mr. Strain said the proposed Resolution was previously presented at the last regular meeting; however, based on a request by the property owner, the matter has been continued to the current meeting. Mr. Strain said the structure at this location remains in a dilapidated condition and has fallen under such disrepair that City staff has rendered the building to be unsafe, inhabitable and a threat to the public's health safety and welfare. He said there has been a total of 74 calls for service to the Police Department over a span of six years at the property. Mr. Strain said Terry Rocco, power of attorney for the property owner Louis Rocco, could not be in attendance due to health reasons and has asked for another time extension to appear before the Mayor and Councilors. Mr. Strain said he advised Terry Rocco that the Council has the option of approving the condemnation and if such action by the Council occurs, Mr. Rocco would have 10 days to appeal the action and to request a hearing before the Council.

Rochelle Rocco, daughter of the property owner, said her family has the money to refurbish the property and would like to do so.

An unidentified individual, who stated he was Ms. Rocco's boyfriend, asked for a time extension to make the property suitable by cleaning around the house.

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Peggy Walker said Ms. Rocco has been ordered by the City to stay away from the property. Ms. Walker said she was assured by the Rocco family that they would get things done as soon as possible; however, Ms. Rocco needs ample time to bring the property to City's standards.

Mayor McKinney asked if the Rocco family is allowed to go onto the property. Mr. Strain said the house at the location was red-tagged due to the substandard living conditions which prohibits anyone from living in the structure. Mr. Strain said the Rocco's may gain access to the property to make the necessary repairs and improvements; however, they may not live in the structure until the structure is brought up to code. Mayor McKinney asked when the first notice regarding the code violations was issued to the property owner. Mr. Strain said the first notice was issued on June 2, 2014, which was followed-up by a second notice and finally, by the clean and lien process. Although the lien was paid-off by the property owner, the property fell into a state of disrepair due to the lack of regular maintenance.

Councilor Garcia asked if the structure could be repaired. Mr. Strain said he could not detect any major signs of the structure collapsing; however, it will take time and money to repair the structure. Mr. Strain also said if a time extension for the repairs is granted, a deadline needs to be specified for the owner to complete the repairs. Mr. Strain said staff recommends approval of the condemnation of the property and if the property owner's power of attorney wants to appeal the condemnation, then the property owner's power of attorney may do so by requesting a hearing before the Mayor and Councilors.

Councilor Kumar asked how long the family would need to make the repairs to the property. Ms. Rocco said she would need 90 days to repair the property. Mr. Strain reiterated his recommendation to approve the condemnation of the property and to allow the property owner or the property owner's power of attorney to decide on the next steps for the property.

Councilor Palochak said she receives numerous phone calls regarding the dilapidated condition of the property which is located within her district. She expressed concerns with the graffiti on the structure which was cleaned by City crews. Councilor Palochak said she can appreciate Ms. Rocco waiting to make the repairs to the property; however, Mr. Rocco does not have legal authority to do so. Councilor Palochak recommended approval of the proposed Resolution.

Mayor McKinney commended Ms. Rocco for her intentions to improve the property; however, the City must deal with the property owner. Ms. Rocco asked if she could access the property to obtain her personal belongings. Mr. Strain said he could contact Terry Rocco to see if Ms. Rocco could obtain her belongings.

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Regarding Ms. Rocco's boyfriend's remarks, Councilor Landavazo said cleaning around the structure is not the only task that needs to be done as repairs to the structure is required to make it habitable.

Following discussion, Councilor Palochak made the motion to approve Resolution No. R2015-20. Seconded by Councilor Landavazo. Roll call: Councilors Palochak, Landavazo, Kumar, Garcia, and Mayor McKinney all voted yes.

Ms. Walker asked about the appeal process. Mr. Strain said the property owner or the property owner's power of attorney has 10 days from today's date to contact the City Clerk to request a hearing before the City Council.

### 8. Airport Runway Reconstruction Project Design – Stan Henderson, Public Works Director

Mr. Henderson said the existing runway and taxiway at the airport are in poor condition and requires reconstruction. The City's airport engineering consultants, Armstrong Consultants, Inc., submitted a proposal in the amount of \$222,747.00 plus New Mexico Gross Receipts Tax for the engineering design work for the project. The Federal Aviation Administration (FAA) will provide 90% of the funding for the project with 5% coming from the NMDOT and 5% from the City. The approved budget for the project under the City's Community Improvement Plan is \$10,000; however, \$1,938 will need to be added to the project budget for a total of \$11,938 for the City's match.

Mayor McKinney asked about the estimated cost of the entire project. Mr. Henderson said the cost of the entire project is estimated between \$3 million to \$4 million which will be funded under the same formula: 90% FAA, 5% NMDOT and 5% City.

Councilor Kumar made the motion to approve the proposal with Armstrong Consultants and the additional funding of \$1,938.00 for the project. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak, and Mayor McKinney all voted aye.

The following Presentation and Information Item was presented to the Mayor and Councilors:

### 1. Update on the City's Odor Abatement Program – Vince Tovar, Director, Gallup Water and Sanitation Department

Mr. Tovar provided a PowerPoint presentation on the City's Odor Abatement Project and the City's strategy to address the problem with odors emanating from the City's

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waste water system. A copy of the PowerPoint presentation is attached hereto, marked as Exhibit A and made a part of these official Minutes. Regarding the capital costs for the project, Mr. Tovar said the City will begin transporting sludge to the landfill on a routine basis beginning next week which will eliminate the odors at the waste water treatment plant. The process, which is estimated to cost the City \$320,000 in annual operating and maintenance costs, is not sustainable for the long term.

Discussion followed concerning Mr. Tovar's recommendation to prepare and issue a Request for Proposals (RFP) to challenge the private sector to propose sustainable sludge management options and to develop alternative options for cost control; the process and the costs to transport sludge to the landfill every week; the use and discharge of affluent water processed by the waste water treatment plant; plans for a long term regional waste water facility as a component of the Navajo Gallup Water Supply Project; possible elimination within two to three years of the additives that are being injected into the City's waste water system to reduce odors; and the problems that surface when sewer lines are replaced through a piecemeal process.

Mr. Tovar introduced Fred Kriess, Regional Manager for Severn Trent Environmental Services. Mr. Kriess provided an overview of his involvement in addressing water and waste water issues, including odor control, in communities of the southwest. In going forward, Mr. Kriess said his company will do their best to provide professional and top quality service to the City.

### **Comments by Public on Non-Agenda Items**

Linda Layton-Bowlby expressed her concerns with the Mayor and Councilors' decision to allocate \$3.5 million for improvements to the Fox Run Golf Course. She presented the results of a survey she conducted among 150 local physicians and dentists based on the belief that the golf course was a necessity to attract and retain physicians and dentists to the region.

Joann Benenati also expressed her concerns with the Council's decision to allocate \$3.5 million for improvements to the golf course. She does not believe the City will have a destination golf course by committing a high amount of funds for the project. She said \$3.5 million could be used for 15 years of curbside recycling to 6,000 residences with no extra charge on their utility bills.

Larry Winn said if there is going to be regional waste water facility, he said the facility should never be managed or owned by the Navajo Tribal Utility Authority (NTUA). If NTUA owns or manages the facility, he said the City would become a customer of NTUA which cost the City massively. As a former member of the Gallup Water Board, he said the Board in 2007 highly recommended G-22 as the most reliable and cheapest

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alternative for Gallup's water future. He also questioned the Council's judgement for funding the golf course improvements and their hesitation for implementing curbside recycling.

### **Comments by Mayor and City Councilors**

Councilor Garcia commended the volunteer work of the Ceremonial Board and its committees. She said the groundbreaking ceremony for the new Del Norte Elementary School will take place on Thursday, August 13, 2015 at 1:00 p.m.

Councilor Kumar also commended the Ceremonial Board for doing an outstanding job.

Councilor Landavazo said he and his family members from California celebrated the Ceremonial. He enjoyed seeing local residents and visitors from around the country and from around the world coming to Gallup for the Ceremonial. He also spoke with Dudley Byerly regarding the success of the Ceremonial Rodeo. He encouraged everyone to continue to celebrate Gallup.

Councilor Palochak said she appreciates the work of all of the volunteers during the Ceremonial. She also commended all City crews for their hard work at the Ceremonial. Some City crews had to work overnight to repair a water main break near Red Rock Park. She said the City has fantastic personnel and encourage the public to contact City Hall when they have a problem. Councilor Palochak invited residents of her district to a neighborhood meeting on Thursday, August 13, 2015 at 6:00 p.m. at Stagecoach Elementary School.

Mayor McKinney commended City crews for their work in removing all the litter from the downtown area after the Ceremonial parades. He also encouraged the public to attend the City Council Meetings when action is going to be taken on matters they have a passion for. He said the City Council meeting agendas are available to the public three days in advance of the meetings. He also expressed condolences to the family of Phil Garcia who passed away yesterday. Mr. Garcia served 37 years on the Planning and Zoning Commission and dedicated his life to protecting the community as it grew and developed over the years.

### **Comments by City Manager**

Ms. Ustick said it was a privilege and honor to be part of a city that has an event such as Ceremonial. She thanked the Mayor and Councilors for recognizing City staff for their hard work before, during and after the Ceremonial. Ms. Ustick said there will be a community workshop on revitalizing downtown Gallup beginning Friday, August 21, 2015 at 5:00 p.m. and continuing Saturday, August 22, 2015 from 10:00 a.m. – 3:00 p.m. The workshop will be held at El Morro Second Street Events Center. The purpose



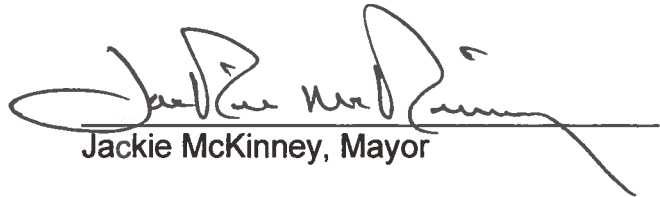
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of the workshop is to solicit input for the Metropolitan Redevelopment Area and the Arts and Cultural District plans.

There being no further business, Councilor Kumar made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak, and Mayor McKinney all voted yes.



Jackie McKinney, Mayor

ATTEST:



Alfred Abeita II, City Clerk

Approved 8/25/2015

# Odor Abatement Project, Status Report – August 11, 2015

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Vincent R. Tovar  
Director of Water and Sanitation

# Regulatory Requirements

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1. Modifications to Existing Wastewater Treatment Plant Operating Permit
2. NMED Ground Water Bureau Approval
3. NMED Solid Waste Bureau Approval
  - Approved Disposal Plan
  - Approved Laboratory Analysis

# Tasks Currently Underway

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- Immediately discontinue field disposal of sludge
- Empty Digesters and Primary Thickener for planned valve and piping modifications
  - ☐ Temporarily discontinue use of Digesters and Primary Thickener
  - ☐ Sludge Transport Equipment Mobilized
  - ☐ Belt Filter Press Utilized for Dewatering
  - ☐ Dewatered Sludge moved to Drying Beds for

Loading onto transport drop box.



# Duration of Temporary Valve and Piping Changes

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Approximately 2-weeks will be required to remove existing inventory and complete the required piping modifications.

Routine sludge disposal of sludge to the Landfill will commence on or about August 24, 2016. Approximately 6 roll-offs per week will be transported to the Landfill.



# Impact

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As we know the odor sources are:

1. **Sewerage System** Mitigated via Evoqua ongoing Chemical Feed Contract and ongoing Capital Improvements.
2. **Disposal Fields** Particularly during wet weather. It may take up to 2-Seasons to eliminate odors. We are investigating lime addition to accelerate remediation.
3. **Digesters** Converted to “Quick” holding and mixing tanks (vs. non-functioning Digesters) prior to Belt Filter Press dewatering and transport to Landfill.
4. **Sludge Drying Beds** Removed from service.

# Costs

Capital Costs	
Project	Cost
Digester Valve and Piping Modifications	\$ 84,500
Aeration Basin and Oxidation DO Monitoring	\$ 73,000
Digester Aeration Modifications	\$ 50,000
O&M RFP Assistance	\$ 50,000
<b>Total Estimated One Time Costs</b>	<b><u>\$ 257,500</u></b>
<b>Estimated Ongoing O&amp;M Costs</b>	
Sludge Transport to Landfill	\$ 270,000
Laboratory Analysis	\$ 50,000
<b>Total Estimated Annual O&amp;M Costs</b>	<b><u>\$ 320,000</u></b>



# Path Forward

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1. Prepare and issue O&M RFP by December 2015
  - a. Challenge the private sector to propose sustainable sludge management options.
  - b. Develop Alternate Options for Cost Control
2. Complete Proposed Digester Aeration Modifications
  - a. Returns Digester to service from “Quick Holding” and mixing tank.
  - b. Will “Reduce” volatile portion of sludge and lower landfill transport costs
3. Continue Sewerage System CIP Program
  - a. Reduces maintenance costs and service interruptions
  - b. Will be able to reduce or eliminate ongoing chemical feed within 3-5 years.
4. Concurrently begin intermediate and long range planning for Wastewater Treatment Plant
  - a. Currently have State Grant to design Plant Headworks.
    - i. No matter what option is selected (Regional Facility or Upgrade to Existing), the Headworks will remain at current location and addressing this area allows small footprint expansion options.
    - ii. Pursue State Grant for construction of the new Headworks.
  - b. Pursue Planning Funds for Plant Rehabilitation